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Date: September 21, 2004

To: MAIL STOP PETITION
US Patent and Trademark Office
Fax: 703-872-9306

Subject: USSN: 10/791,920
Our Ref.: 101216-39 BSL/TAG

From: Theodore A. Gottlieb

Comments: Request for Reconsideration of a Petition pursuant to 37 CFR 1.47(a) (4 pgs.) and A Transmittal of the Request (2 pgs.)

If you have any questions or need further information, please contact us.

You should receive 7 pages including this cover sheet.

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SEP 21 2004

Attorney Docket 101216-39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.	:	10/791,920
APPLICANT	:	Isabel Vega Carrascal, et al.,
FILED	:	2 March 2004
EXAMINER	:	TO BE ASSIGNED
ART UNIT	:	TO BE ASSIGNED
FOR	:	COMPOSITION FOR DYEING HUMAN HAIR

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 21, 2004

TRANSMITTAL OF REQUEST FOR RECONSIDERATION OF A PETITION
PURSUANT TO 37 CFR § 1.47(a)

Sir:

It is respectfully requested that the accompanying Request For Reconsideration of a Petition Pursuant To 37 CFR § 1.47(a) be considered.

As indicated in the DECISION REFUSING STATUS that was mailed by the Office of Petitions on August 24, 2004, the previously filed petition had not been properly signed by the Applicants' representative. In response, the accompanying Request for Reconsideration includes a properly signed and executed recitation of the facts that are believed to be accurate.

The aforementioned unintentional error is regretted and is believed to be corrected by the submission filed herewith.

Should any additional fees be required, please charge them to Deposit Account 14-1263.

Attorney Docket 101216-39

CONDITIONAL PETITION FOR EXTENSION OF TIME

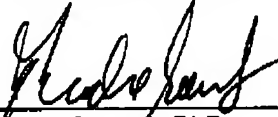
If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

Respectfully Submitted,

Norris, McLaughlin & Marcus, P.A.
875 Third Ave., 18th Floor
New York, NY 10022
Telephone (212) 808-0700
Facsimile (212) 808-0844



Theodore Gottlieb, PhD
Reg. No. 42, 597

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. (703) 872-9306, on September 21, 2004, by:

on September 21, 2004
(Date)

Agata Glinska
Typed or printed name of transmitter


Signature

SEP 21 2004

Attorney Docket 101216-39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 21, 2004

REQUEST FOR RECONSIDERATION OF A PETITION PURSUANT TO
37 CFR § 1.47(a)

Sir:

It is respectfully requested that this petition and the exhibits filed on July 21, 2004, be considered in finding that inventor Bernd Nöcker may properly make application for patent on behalf of himself and a nonsigning co-inventor pursuant to 37 CFR § 1.47(a).

Further, the facts stated herein are identical to those filed in the Petition Pursuant to Rule 1.47(a) filed on July 21, 2004, and executed by Dr. M. Grit who heads the patent department of assignee, KPSS-KAO PROFESSIONAL SALON SERVICES.

All of the facts stated herein are, to the best of my knowledge, true and accurate.

1. Bernd Nöcker of Ober Ramstadt, Germany, and Isabel Vega Carrascal of Valladolid, Spain, are inventors of the subject matter claimed in this application.

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2. Ms. Isabel Vega Carrascal and Mr. Nöcker are the inventors of the subject matter disclosed and claimed in the above-referenced application. The subject matter of the above-referenced application was assigned to KAO PROFESSIONAL SALON SERVICES, GmbH, ("KPSS"). The assignment to KPSS was effected by Ms. Carrascal and Mr. Nöcker, when each independently executed three separate assignments corresponding to each of three German priority documents. Copies of Ms. Carrascal's three executed documents and the English translations are submitted herewith as Exhibit 1.
3. Currently, Ms. Carrascal refuses to sign a declaration pursuant to 37 CFR § 1.63.
4. On 16 February 2004, the application papers accompanied by an assignment, a declaration, and a letter (see Exhibit 2) requesting Ms. Carrascal to sign the new assignment and declaration was sent to her most recently known address:

Isabel Vega Carrascal
c/Juan de Valladolid 36 4º
Valladolid, 47014
Spain

In accordance with the evidentiary guidelines set out in MPEP § 409.02, it is believed that these documented facts support the conclusion that KPSS has performed a *bona fide* attempt to contact Ms. Carrascal, and to deliver to her the application papers, declaration and new assignment.

5. However, the declaration and assignment sent to Ms. Carrascal on 16 February 2004 was not returned to KPSS, indicating Ms. Carrascal's refusal to sign the declaration.
6. Ms. Carrascal's refusal to sign the declaration was directly established in a personal telephone conversation that took place on 23 March 2003 between Ms. Carrascal, and Dr. Mustafa Grit, head of the KPSS patent department.

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7.

In this conversation with Dr. Grit, Ms. Carrascal expressly refused to sign the declaration. Further, she refused to explain her reasons for refusing to sign the declaration.

8. In view of the foregoing facts, it was decided to file this petition pursuant to 37 CFR § 1.47(a). It is respectfully requested that the Office of Petitions grant the petition and permit Mr. Bernd Nöcker the right to apply for patent in his behalf and that of Ms. Carrascal.

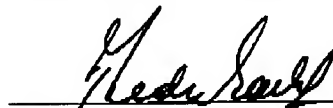
8. In accordance with 37 CFR § 1.47(a), an executed Declaration pursuant to 37 CFR § 1.63, is submitted herewith. The Declaration further includes an unsigned signature block bearing Ms. Carrascal's name.

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I hereby declare that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

Norris, McLaughlin & Marcus
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Theodore Gottlieb, PhD
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Signature

